

THE HON'BLE SRI JUSTICE C.V. RAMULU

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W.P.No.3345 of 1999

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Dated: 25-07-2005

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Between:

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The Depot Manager, APSRTC, Vizianagaram Depot,
Vizianagaram District.

... Petitioner

And

The Labour Court,
Visakhapatnam and another.

... Respondents

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THE HON'BLE SRI JUSTICE C.V. RAMULU

ORDER:

This writ petition is filed by the Depot Manager, A.P.S.R.T.C., Vizianagaram Depot, Vizianagaram district, being aggrieved by the award dated 06-12-1997 in I.D.No.313 of 1994 passed by the Chairman, Industrial Tribunal-cum-Labour Court,

Visakhapatnam, (for short 'the Labour Court').

It is the case of the petitioner-management that the 2nd respondent-workman while working as Conductor involved in certain misconduct and after conducting a detailed enquiry into the matter, the disciplinary authority imposed stoppage of two increments with cumulative effect by treating the suspension period as not on duty. Aggrieved by the same, the workman raised a dispute before the Labour Court, which was taken up on file as I.D.No.313 of 1994. The Labour Court after looking into the record placed before it, came to the conclusion that punishment of stoppage of two increments with cumulative effect is just and proper and the 2nd limb of the punishment that the period of service shall be treated as not on duty was set aside. Aggrieved by the order of the Labour Court to the extent of interfering into the 2nd limb of punishment dated 16-02-1989, this writ petition is filed.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and also perused the award passed by the Labour Court and other material made available on record.

At the out set, I am of the opinion that the Labour Court has not committed any error in setting aside the punishment of treating the suspension period as not on duty by the order of the Depot Manager dated 16-02-1989. The Labour Court rightly found that the workman misbehaved with T.T.Is. in a rude manner. In view of the evidence available on record, refused to interfere with the punishment of deferment of increments with cumulative effect. However, in the overall facts and circumstance of the case, the Labour Court rightly exercised its discretionary powers under Section 11-A of the Industrial Disputes Act by setting aside the 2nd limb of punishment imposed under order dated 16-02-1989 whereunder the petitioner was imposed with a punishment of treating the suspension as not on duty.

I am of the opinion that the Labour Court has not committed any error in passing such an award setting aside the 2nd limb of punishment imposed under order dated 16-02-1989 passed by the Corporation. The writ petition is devoid of merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

C.V. RAMULU, J

Dated: 25-07-2005

LSK